

**EIGHTY-FOURTH GENERAL ASSEMBLY
2011 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

MARCH 9, 2011

HOUSE FILE 490

H-1241

1 Amend House File 490 as follows:

2 <1. By striking everything after the enacting
3 clause and inserting:

4 <Section 1. NEW SECTION. 147.140 Expert
5 certificate of merit affidavit ---- health care providers
6 ---- requirements.

7 1. For purposes of this section, "health care
8 provider" means a physician or surgeon, osteopathic
9 physician or surgeon, dentist, podiatric physician,
10 optometrist, pharmacist, chiropractor, physician
11 assistant, or nurse licensed in this state, a hospital
12 licensed pursuant to chapter 135B, or a health care
13 facility licensed pursuant to chapter 135C.

14 2. a. In any action for personal injury or
15 wrongful death against any health care provider
16 based upon the alleged negligence of the licensee
17 in the practice of that profession or occupation,
18 or upon the alleged negligence of the hospital or
19 health care facility in patient care, which includes
20 a cause of action for which expert testimony is
21 necessary to establish a prima facie case, the
22 plaintiff shall, within one hundred eighty days of
23 the defendant's answer, serve upon the defendant an
24 expert's certificate of merit affidavit for each expert
25 listed pursuant to section 668.11 who will testify with
26 respect to the issues of breach of standard of care or
27 causation.

28 b. Each certificate of merit affidavit must be
29 signed by the expert. The affidavit must certify the
30 purpose for calling the expert by providing under the
31 oath of the expert all of the following:

32 (1) The expert's statement of familiarity with the
33 applicable standard of care.

34 (2) The expert's statement that the standard of
35 care was breached by the health care provider named in
36 the petition.

37 (3) The expert's statement of the actions that the
38 health care provider should have taken or failed to
39 take to have complied with the standard of care.

40 (4) The expert's statement of the manner by which
41 the breach of the standard of care was the cause of the
42 injury alleged in the petition.

43 c. A plaintiff shall serve a separate affidavit on
44 each defendant named in the petition.

45 d. Answers to interrogatories may serve as an
46 expert's certificate of merit affidavit in lieu of a
47 separately executed affidavit if the interrogatories
48 satisfy the requirements of this subsection and are
49 signed by the plaintiff's attorney and by each expert
50 listed in the answers to interrogatories and served

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1 upon the defendant within one hundred eighty days of
2 service of the defendant's answer.

3 3. The expert's certificate of merit affidavit does
4 not preclude either of the following:

5 a. Additional discovery or modification of the
6 affidavit based upon the newly discovered evidence.

7 b. The disclosure of additional witnesses pursuant
8 to section 668.11.

9 4. The parties by agreement may provide for
10 extensions of the time limits specified in subsection
11 2.

12 5. a. Failure to comply with subsection 2 shall,
13 upon motion, be the basis for mandatory dismissal with
14 prejudice of each cause of action as to which expert
15 testimony is necessary to establish a prima facie case.

16 b. Failure to comply with subsection 2 because
17 of deficiencies in the affidavit or answers to
18 interrogatories shall, upon motion, be the basis for
19 mandatory dismissal with prejudice of each cause of
20 action for which expert testimony is necessary to
21 establish a prima facie case.

22 c. The motion to dismiss shall state with
23 particularity each deficiency of the affidavit or
24 answers to interrogatories in order to allow the
25 plaintiff to cure the deficiency.

26 d. The plaintiff shall have twenty days to respond
27 to the motion and to cure the alleged deficiencies with
28 supplemental affidavits.

29 e. A party resisting a motion for mandatory
30 dismissal pursuant to this subsection shall have the
31 right to request a hearing on the motion.

32 6. A party required to provide a certificate of
33 merit affidavit may be granted additional time to
34 file the certificate for good cause shown and upon
35 application to the court. Good cause shall include all
36 of the following:

37 a. The inability to timely obtain plaintiff's
38 medical records from medical providers when the records
39 have been requested prior to filing the action and not
40 produced.

41 b. The failure of the plaintiff to receive full
42 and complete responses to discovery requests from
43 a defendant within one hundred eighty days of a
44 defendant's answer.

45 c. The inability to obtain a defendant's deposition
46 after good faith efforts have been made to schedule
47 the deposition within one hundred eighty days of the
48 defendant's answer.

49 d. Other good cause based upon the circumstances
50 beyond the control of the plaintiff.

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1 7. A defendant shall serve upon the plaintiff a
2 counter certificate of merit affidavit for any defense
3 raised by the defendant from each expert identified by
4 the defendant within ninety days of the plaintiff's
5 service of the certificate of merit affidavit or
6 service of answers to interrogatories stating the
7 opinion of the defendant's expert with the same degree
8 of particularity required of the plaintiff under oath
9 containing all of the following:

10 a. The expert's statement of familiarity with the
11 applicable standard of care.

12 b. The expert's statement of the standard of care
13 required of the defendant and that the standard of care
14 was not breached by the health care provider named in
15 the petition.

16 c. The expert's statement as to why the actions of
17 the health care provider complied with the standard of
18 care.

19 d. The expert's statement as to why the alleged
20 breach of the standard of care was not the cause of the
21 injury alleged in the petition.

22 8. The plaintiff shall have the right to file a
23 motion to strike defendant's expert identified by the
24 defendant pursuant to the same procedure provided for
25 in subsection 5, and the defendant shall be entitled to
26 the same process to respond to plaintiff's motion as
27 provided in subsection 5.

28 9. If the plaintiff is acting pro se, the plaintiff
29 shall sign the affidavit or answers to interrogatories
30 referred to in this section and shall be bound by those
31 provisions as if represented by an attorney.>

32 2. Title page, by striking line 1 and inserting
33 <An Act providing for certificate of merit affidavit
34 requirements in a medical>

By SWAIM of Davis

H-1241 FILED MARCH 8, 2011

HOUSE FILE 540

H-1243

1 Amend House File 540 as follows:

2 1. Page 1, line 8, after <148A,> by inserting
3 <148C,>

By KAUFMANN of Cedar

H-1243 FILED MARCH 8, 2011

HOUSE FILE 454

H-1238

1 Amend House File 454 as follows:

2 1. Page 1, after line 18 by inserting:

3 <Sec. _____. Section 384.84, subsection 4, paragraph
4 d, Code 2011, is amended to read as follows:

5 d. Residential rental property where a charge for
6 water service is separately metered and paid directly
7 to the city utility or enterprise by the tenant is
8 exempt from a lien for delinquent rates or charges
9 associated with such water service if the landlord
10 gives written notice to the city utility or enterprise
11 that the property is residential rental property and
12 that the tenant is liable for the rates or charges.
13 A city utility or enterprise may require a deposit
14 not exceeding the usual cost of ninety days of water
15 service to be paid to the utility or enterprise. Upon
16 receipt, the utility or enterprise shall acknowledge
17 the notice and deposit. A written notice shall contain
18 ~~the name of the tenant responsible for charges,~~ address
19 of the residential rental property that the tenant is
20 to occupy, and the date that the occupancy begins. ~~A~~
21 ~~change in tenant shall require a new written notice~~
22 ~~to be given to the city utility or enterprise within~~
23 ~~thirty business days of the change in tenant.~~ When
24 the tenant moves from the rental property, the city
25 utility or enterprise shall return the deposit if the
26 water service charges are paid in full. A change in
27 the ownership of the residential rental property shall
28 require written notice of such change to be given to
29 the city utility or enterprise within ten business days
30 of the completion of the change of ownership. The lien
31 exemption for rental property does not apply to charges
32 for repairs to a water service if the repair charges
33 become delinquent.>

34 2. Page 1, after line 18 by inserting:

35 <Sec. _____. Section 384.84, subsection 4, Code 2011,
36 is amended by adding the following new paragraph:

37 NEW PARAGRAPH. e. Residential rental property
38 where a charge for any of the services of sewer
39 systems, storm water drainage systems, sewage
40 treatment, solid waste collection, and solid waste
41 disposal is paid directly to the city utility or
42 enterprise by the tenant is exempt from a lien for
43 delinquent rates or charges associated with such
44 services if the landlord gives written notice to
45 the city utility or enterprise that the property
46 is residential rental property and that the tenant
47 is liable for the rates or charges. A city utility
48 or enterprise may require a deposit not exceeding
49 the usual cost of ninety days of the services of
50 sewer systems, storm water drainage systems, sewage

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1 treatment, solid waste collection, and solid waste
2 disposal to be paid to the utility or enterprise. Upon
3 receipt, the utility or enterprise shall acknowledge
4 the notice and deposit. A written notice shall
5 contain the address of the residential rental property
6 that the tenant is to occupy and the date that the
7 occupancy begins. When the tenant moves from the
8 rental property, the city utility or enterprise shall
9 return the deposit if the charges for the services of
10 sewer systems, storm water drainage systems, sewage
11 treatment, solid waste collection, and solid waste
12 disposal are paid in full. A change in the ownership
13 of the residential rental property shall require
14 written notice of such change to be given to the city
15 utility or enterprise within ten business days of
16 the completion of the change of ownership. The lien
17 exemption for rental property does not apply to charges
18 for repairs related to a service of sewer systems,
19 storm water drainage systems, sewage treatment, solid
20 waste collection, and solid waste disposal if the
21 repair charges become delinquent.>

22 3. Title page, line 1, before <permitting> by
23 inserting <relating to certain city utilities, city
24 enterprises, and cities regarding notice requirements
25 and>

26 4. By renumbering as necessary.

By KAUFMANN of Cedar
GASKILL of Wapello

H-1238 FILED MARCH 8, 2011

HOUSE FILE 499

H-1234

1 Amend House File 499 as follows:

2 1. Page 1, lines 5 and 6, by striking <or an
3 elected official>

By IVERSON of Wright

H-1234 FILED MARCH 8, 2011

HOUSE FILE 523

H-1236

1 Amend House File 523 as follows:
2 1. Page 1, lines 10 and 11, by striking <,
3 interest, or penalty benefits>
4 2. Page 1, lines 14 and 15, by striking <,
5 interest, or penalty benefits>
6 3. Page 1, after line 26 by inserting:
7 <b. A credit shall not be taken pursuant to this
8 subsection until fifteen days after the employee has
9 been provided with written notice of the amount of
10 the credit, the basis for the credit, and the manner
11 in which the credit will be applied to future weekly
12 benefit payments. The maximum amount that an employer
13 may claim as a credit for any weekly benefit is fifty
14 percent of the employee's workers' compensation benefit
15 rate.>
16 4. Page 1, line 27, by striking <b.> and inserting
17 c.>

By HORBACH of Tama

H-1236 FILED MARCH 8, 2011

HOUSE FILE 525

H-1239

1 Amend House File 525 as follows:
2 1. Page 3, line 14, after <applicable.> by
3 inserting <In considering this comparison, for purposes
4 of evaluating parity, the arbitrator shall include only
5 employers providing the equivalent of a living wage
6 with benefits for all employees. For the purposes
7 of this section, "living wage with benefits" means
8 compensation from an employer to an employee sufficient
9 to allow a family of two adults and two children to
10 pay housing costs equaling no more than thirty percent
11 of the employee's wage, and to pay for the family's
12 health care, public education for the children through
13 four years of college, food, clothing, an annual
14 family vacation, contributions to church and charity
15 of ten percent of the employee's wages, and a pension
16 benefit adequate for both adults to retire at the
17 social security retirement age. If the employee cannot
18 provide for the employee's family as provided in this
19 paragraph without resorting to welfare or other public
20 assistance programs, compensation to the employee shall
21 not be considered a living wage plus benefits.>

By ISENHART of Dubuque

KRESSIG of Black Hawk

H-1239 FILED MARCH 8, 2011

HOUSE FILE 525

H-1240

1 Amend the amendment, H-1165, to House File 525 as
2 follows:

3 1. Page 1, after line 7 by inserting:

4 <Sec. _____. Section 20.10, subsection 3, Code 2011,
5 is amended by adding the following new paragraph:

6 NEW PARAGRAPH. j. Coerce, threaten, or otherwise
7 prevent an employee or potential employee from signing
8 a release to declare themselves a free agent employee.>

9 2. By renumbering as necessary.

By JORGENSEN of Woodbury

H-1240 FILED MARCH 8, 2011

HOUSE FILE 525

H-1244

1 Amend House File 525 as follows:

2 1. Page 3, by striking lines 4 through 14 and
3 inserting: <<

4 ~~b.~~ a. Comparison of wages, hours and conditions
5 of employment of the involved public employees with
6 those of other public employees doing comparable work,
7 giving consideration to factors peculiar to the area
8 and the classifications involved.>

9 2. By renumbering as necessary.

By HUNTER of Polk

H-1244 FILED MARCH 8, 2011

HOUSE FILE 525

H-1245

1 Amend House File 525 as follows:

2 1. Page 2, line 19, after <layoff.> by inserting
3 <However, if a public employee is laid off and believes
4 the layoff was based on gender discrimination, the
5 public employee may submit the matter to the public
6 employment relations board for binding arbitration as
7 provided in the grievance procedures adopted pursuant
8 to section 20.18, subsection 3.>

9 2. Page 2, after line 19 by inserting:

10 <Sec. _____. Section 20.18, Code 2011, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 3. The public employment relations
13 board shall adopt grievance procedures providing for
14 binding arbitration of complaints of discrimination
15 in layoffs submitted to the board by public employees
16 pursuant to section 20.9, subsection 3, paragraph "d".>

17 3. By renumbering as necessary.

By MASCHER of Johnson

H-1245 FILED MARCH 8, 2011

HOUSE FILE 525

H-1246

1 Amend House File 525 as follows:

2 1. Page 2, line 19, after <layoff.> by inserting
3 <However, if a public employee is laid off and believes
4 the layoff was based on age discrimination, the public
5 employee may submit the matter to the public employment
6 relations board for binding arbitration as provided in
7 the grievance procedures adopted pursuant to section
8 20.18, subsection 3.>

9 2. Page 2, after line 19 by inserting:

10 <Sec. _____. Section 20.18, Code 2011, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 3. The public employment relations
13 board shall adopt grievance procedures providing for
14 binding arbitration of complaints of discrimination
15 in layoffs submitted to the board by public employees
16 pursuant to section 20.9, subsection 3, paragraph "d".>

17 3. By renumbering as necessary.

By HANSON of Jefferson

H-1246 FILED MARCH 8, 2011

HOUSE FILE 525

H-1247

1 Amend House File 525 as follows:

2 1. Page 2, line 19, after <layoff.> by inserting
3 <However, if a public employee is laid off and believes
4 the layoff was based on discrimination relating to
5 religion, the public employee may submit the matter
6 to the public employment relations board for binding
7 arbitration as provided in the grievance procedures
8 adopted pursuant to section 20.18, subsection 3.>

9 2. Page 2, after line 19 by inserting:

10 <Sec. _____. Section 20.18, Code 2011, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 3. The public employment relations
13 board shall adopt grievance procedures providing for
14 binding arbitration of complaints of discrimination
15 in layoffs submitted to the board by public employees
16 pursuant to section 20.9, subsection 3, paragraph "d".>

17 3. By renumbering as necessary.

By ABDUL-SAMAD of Polk

H-1247 FILED MARCH 8, 2011

HOUSE FILE 525

H-1248

1 Amend House File 525 as follows:
2 1. Page 2, line 19, after <layoff.> by inserting
3 <However, if a public employee is laid off and believes
4 the layoff was based on discrimination relating to a
5 disability as defined in the federal Americans With
6 Disabilities Act of 1990, the public employee may
7 submit the matter to the public employment relations
8 board for binding arbitration as provided in the
9 grievance procedures adopted pursuant to section 20.18,
10 subsection 3.>
11 2. Page 2, after line 19 by inserting:
12 <Sec. _____. Section 20.18, Code 2011, is amended by
13 adding the following new subsection:
14 NEW SUBSECTION. 3. The public employment relations
15 board shall adopt grievance procedures providing for
16 binding arbitration of complaints of discrimination
17 in layoffs submitted to the board by public employees
18 pursuant to section 20.9, subsection 3, paragraph "d".>
19 3. By renumbering as necessary.

By GAINES of Polk

H-1248 FILED MARCH 8, 2011

HOUSE FILE 525

H-1249

1 Amend House File 525 as follows:
2 1. Page 2, line 19, after <layoff.> by inserting
3 <However, if a public employee is laid off and believes
4 the layoff was based on discrimination relating to race
5 or creed, the public employee may submit the matter
6 to the public employment relations board for binding
7 arbitration as provided in the grievance procedures
8 adopted pursuant to section 20.18, subsection 3.>
9 2. Page 2, after line 19 by inserting:
10 <Sec. _____. Section 20.18, Code 2011, is amended by
11 adding the following new subsection:
12 NEW SUBSECTION. 3. The public employment relations
13 board shall adopt grievance procedures providing for
14 binding arbitration of complaints of discrimination
15 in layoffs submitted to the board by public employees
16 pursuant to section 20.9, subsection 3, paragraph "d".>
17 3. By renumbering as necessary.

By BERRY of Black Hawk

H-1249 FILED MARCH 8, 2011

HOUSE FILE 525

H-1250

1 Amend House File 525 as follows:

2 1. Page 2, line 19, after <layoff.> by inserting
3 <However, if a public employee is laid off and believes
4 the layoff was based on discrimination relating to
5 national origin, the public employee may submit the
6 matter to the public employment relations board for
7 binding arbitration as provided in the grievance
8 procedures adopted pursuant to section 20.18,
9 subsection 3.>

10 2. Page 2, after line 19 by inserting:

11 <Sec. _____. Section 20.18, Code 2011, is amended by
12 adding the following new subsection:

13 NEW SUBSECTION. 3. The public employment relations
14 board shall adopt grievance procedures providing for
15 binding arbitration of complaints of discrimination
16 in layoffs submitted to the board by public employees
17 pursuant to section 20.9, subsection 3, paragraph "d".>

18 3. By renumbering as necessary.

By KAJTAZOVIC of Black Hawk

H-1250 FILED MARCH 8, 2011

HOUSE FILE 536

H-1235

1 Amend House File 536 as follows:

2 1. Page 8, lines 23 and 24, by striking <
3 community mental health center, substance abuse
4 program, or community action agency>

5 2. By renumbering as necessary.

By ROGERS of Black Hawk

H-1235 FILED MARCH 8, 2011

SENATE FILE 321

H-1237

1 Amend Senate File 321, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking line 4 and inserting <that
4 is derived from an agricultural animal or>
5 2. Page 1, by striking lines 6 through 8 and
6 inserting <human consumption in its raw or processed
7 state.
8 a. A food commodity in its raw state for processing
9 includes but is not limited to milk, eggs, vegetables,
10 fruits, nuts, syrup, and honey.
11 b. A food commodity in its processed state includes
12 but is not limited to dairy products, pastries, pies,
13 and meat or poultry products.>
14 3. Page 1, line 13, by striking <or cannery>
15 and inserting <cannery, bakery, or meat or poultry
16 processor>
17 4. Page 1, line 15, by striking <or preserving> and
18 inserting <preserving, baking, or cooking>

By KLEIN of Keokuk

H-1237 FILED MARCH 8, 2011

SENATE FILE 321

H-1242

1 Amend Senate File 321, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking line 4 and inserting <that
4 is derived from an agricultural animal or>
5 2. Page 1, by striking lines 6 through 8 and
6 inserting <human consumption in its raw or processed
7 state.
8 a. A food commodity in its raw state for processing
9 includes but is not limited to milk, eggs, vegetables,
10 fruits, nuts, syrup, and honey.
11 b. A food commodity in its processed state includes
12 but is not limited to dairy products, pastries, pies,
13 and meat or poultry products.>
14 3. Page 1, by striking lines 9 through 15 and
15 inserting:
16 <NEW SUBSECTION. 14A. "On-farm processing
17 operation" means any place located on a farm where
18 the form or condition of a food commodity originating
19 from that farm or another farm is changed or packaged
20 for human consumption, including but not limited to a
21 dairy, creamery, winery, distillery, cannery, bakery,
22 or meat or poultry processor.>
23 4. By renumbering as necessary.

By KLEIN of Keokuk

H-1242 FILED MARCH 8, 2011



HF 535 – Preschool Scholarship Program (LSB 2333HV)

Analyst: Shawn Snyder (Phone: 515-281-7799) (shawn.snyder@legis.state.ia.us)

Fiscal Note Version – New

Description

House File 535 repeals the current Statewide Voluntary Preschool Program for four-year-olds and replaces it with a Preschool Scholarship Program for four-year-olds.

Background

The Statewide Voluntary Preschool Program was initiated in FY 2008. Funding for the Program was based on a phase-in provision that began in the 2007-2008 school year (FY 2008). Annual appropriations were provided to fund the initial year of approved programs from FY 2008 through FY 2011. From FY 2008 through FY 2010, the number of startup programs approved was limited and the Department of Education selected programs for approval. For FY 2011, the restriction was eliminated and any districts that wanted to participate in the program were allowed to do so pending Program approval from the Department of Education. The annual appropriation amount was allocated to approved school districts based on a preliminary count of eligible preschool program students estimated to participate in the program. After the initial year of the each district's program, funding was provided through a preschool funding formula. The following table provides funding amounts for the Program from FY 2008 through estimated FY 2012.

Statewide Voluntary Preschool Program Funding Amounts

(Dollars in Millions)

	Appropriation Amount for Initial Year	Preschool Formula Funding	Total State Funding for Statewide Voluntary Preschool Program	Estimated Number of Preschool Students Enrolled in Program	Preschool Formula Weighting
FY 2008	\$ 15.0	N.A.	\$ 15.0	5,126	N.A.
FY 2009	14.8	\$ 17.1	31.8	9,633	3,075.6
FY 2010	11.5	33.3	44.9	13,666	5,805.6
FY 2011	16.2	48.3	64.5	19,800	8,199.6
Est. FY 2012	N.A.	69.9	69.9	N.A.	11,880.0
FY 2008 - Est. FY 2012	\$ 57.6	\$ 168.5	\$ 226.1		

Totals may not sum due to rounding

The Preschool Scholarship Program created in **HF 535** will provide State funding to school districts based on an initial allocation that uses first grade free/reduced price lunch eligibility data and average kindergarten enrollment data by school district. The State aid amounts awarded will be determined by the poverty level of families whose children are attending the Program. Families will be required to pay a proportion of the cost and State aid will account for the remaining cost based on a sliding scale that will be determined annually by the State Board of Education. School districts may use up to 5.0% of the preschool funding for costs associated with supervising the Program.

- Assumes a 0.0% allowable growth rate for FY 2012 generating \$69.9 million for the Statewide Voluntary Preschool Program.
- Assumes the Department of Education will require \$1.2 million and 4.0 FTE positions annually to administer the new Program. The cost breakdown includes:
 - Development and maintenance of an interactive website: \$85,000
 - A public awareness campaign: \$30,000
 - Annual on-line assessment cost for students enrolled in the Program: \$460,000
 - Assessment materials: \$214,500
 - Contract for assessment training: Between \$13,000 and \$150,000
 - Costs associated for 4.0 FTE positions: \$400,000
 - Of the cost allocations noted, funding may be redirected to cover additional costs as necessary.
- For FY 2011, the Department has 2.0 FTE positions and received an allocation of \$303,500 for administration of the Statewide Voluntary Preschool Program.
- The level of State funding for the Program be a will factor in determining the amount of overall funding per pupil, including the State portion and the student's family portion. School districts will be allowed to maintain 5.0% of the funding for costs associated with supervising the Program. Although the number of students attending the new Program by school district is unknown, this fiscal note assumes that each school district will receive sufficient funds for costs associated with supervising the Program.
- The current level of State funding for the new Program for FY 2012 and future fiscal years is unknown at this time. The following two tables provide information pertaining to the estimated poverty level allocation amounts per pupil based on a \$33.6 million appropriation (**Table 1**) and a \$43.6 million appropriation (**Table 2**). Each table assumes the same percentage of State support for the overall costs at each poverty level and assumes nine monthly payment amounts. The Bill requires the Department of Education to develop and annually review the sliding tuition scale.

Table 1 – State/Parent Amounts Based on \$33.6 Million Appropriation

						Per Pupil Contribution					
					Total Monthly Contribution (Parent and State)	Monthly Parent Contribution	Annual Parent Contribution	Monthly State Contribution	Annual State Contribution	Est. Students Served	Per Pupil Cost
Poverty Level	% of State Contribution	State Cost	Parent's Share	Total Funding Amount							
<100%	99.00%	\$ 10,907,019	\$ 110,172	\$ 11,017,191	\$ 254	\$ 2.54	\$ 23	\$ 252	\$ 2,267	4,810	\$ 2,290
100%-150%	95.00%	\$ 6,622,178	\$ 348,536	\$ 6,970,714	\$ 254	\$ 12.72	\$ 115	\$ 242	\$ 2,176	3,044	\$ 2,290
150%-200%	90.00%	\$ 6,210,156	\$ 690,017	\$ 6,900,173	\$ 254	\$ 25.45	\$ 229	\$ 229	\$ 2,061	3,013	\$ 2,290
200%-250%	70.00%	\$ 4,750,442	\$ 2,035,904	\$ 6,786,346	\$ 254	\$ 76.34	\$ 687	\$ 178	\$ 1,603	2,963	\$ 2,290
250%-300%	60.00%	\$ 3,910,205	\$ 2,606,803	\$ 6,517,008	\$ 254	\$ 101.79	\$ 916	\$ 153	\$ 1,374	2,846	\$ 2,290
Totals		\$ 32,400,000	\$ 5,791,432	\$ 38,191,432						16,675	\$ 2,290
Appropriation Amount		\$ 33,600,000									
Funds for Dept. of Ed. Admin.		\$ 1,200,000									

Table 2 – State/Parent Amounts Based on \$43.6 Million Appropriation

[illegible]

- Current estimates for the number of 4-year-olds with family incomes at or below 300% of poverty totals approximately 23,800. Additionally, scholarships will be awarded on a first-come, first-serve basis. The overall estimates of the State portion, parent portion, and per pupil costs are based on 70.0% participation and total an estimated 16,675 four-year-olds. If the number of eligible four-year-olds that apply for the Program exceeds 16,675, there may be unmet demand.

Fiscal Impact

Eliminating the Statewide Voluntary Preschool Program will reduce State General Fund expenditures by \$69.9 million in FY 2012 and \$71.1 million in FY 2013.

The establishment of the Preschool Scholarship Program will require additional administrative costs for the Department of Education beginning in FY 2012 totaling approximately \$1.2 million and 4.0 FTE positions annually. The Department currently has 2.0 FTE positions and \$303,500 to administer the current Statewide Voluntary Preschool Program. The estimated impact to the Department of Education will be a net increase in required expenditures totaling approximately \$900,000 and 2.0 FTE positions for FY 2012.

Allocations to school districts for funding of the Preschool Scholarship Program will be provided by an appropriation specified for that purpose. That amount is unknown for FY 2012 and future fiscal years.

Sources

Iowa Department of Education
Iowa Department of Management
LSA calculations and analysis

/s/ Holly M. Lyons

March 7, 2011

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Code [Section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



HF 324 – Administrative Rulemaking Limitation (LSB 2148HV)
Analyst: Sue Lerdal (Phone: 515-281-7794) (sue.lerdal@legis.state.ia.us)
Fiscal Note Version – New
Requested by Representative Lisa Heddens

Description

House File 324 prohibits a State agency from adopting administrative rules or policies that exceed a requirement in federal statute or policy.

Background

Agencies in Iowa State government have the authority to propose administrative rules through the Administrative Rules Review Committee (ARRC) and implement policies for multiple reasons to further clarify those administrative rules and to provide various forms and application details. Departments surveyed for the analysis of the fiscal impact of HF 324 were unable to determine the exact number of rules or policies that may be impacted by HF 324, but for some, such as the Department of Human Services, this number could be considerable. The Fiscal Services Division is, in conjunction with the General Assembly's Administrative Rules Legal Counsel, preparing a more detailed memo citing examples of how HF 324 may potentially impact:

- Existing benefits for Iowans
- Existing funding distribution formulas
- State Departments and their review of current Administrative Rules for compliance with House File 324
- The General Assembly and its rule making function
- State Agency interpretation of federal law
- Private entities
- Revenue from decreased fines and penalties

The memo is available from the LSA on request.

Assumptions

Although HF 324 voids rules or policies of State government that exceed federal statute, policy, or regulation, the Administrative Rules Review Committee may need to take action to determine the process to accomplish the transition and a process to determine when a proposed administrative rule may exceed what is permitted by HF 324.

Iowa administrative rules that aren't recognized by federal statute or regulations may result in some entities not receiving federal funding with enactment of HF 324.

Fiscal Impact

The Department of Human Services and State entities regulating environmental issues may be significantly impacted by HF 324. Possible impacts include policy and computer software changes necessary to reflect elimination or amendment of current administrative rules and policies voided by the Bill. There may be ongoing impact to service providers and consumers that may no longer be able to provide or consume the service deemed void. The fiscal impact may also include savings to the State and industry as more stringent regulations are eliminated.

For those state entities regulating environmental issues there could also be potential costs in one-time staff, analysis, and computer software changes. Any savings is likely to be realized by the regulated industries, but whether those savings are distributed to the consumers is unknown.

Most State entities would have a one-time staff and effort cost to review administrative rules to determine whether required changes are necessary. Not knowing the number of possible changes that would incur after that process eliminates the possibility of estimating the cost impact.

Sources

Department of Human Services

Department of Transportation

Iowa Utilities Division – Department of Commerce

Entities represented by the Iowa Association of Business and Industry

Comments made at meetings of the Subcommittee on HF 176 (previous version of HF 324)

Fiscal Services Division Analysis

/s/ Holly M. Lyons

March 7, 2011

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Code [Section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



HF 393 – Death Certificates (LSB 1883HV)

Analyst: Deborah Thompson (Phone: 515-281-6764) (deborah.thompson@legis.state.ia.us)

Fiscal Note Version – New

Description

House File 393 allows an advanced registered nurse practitioner (ARNP) to sign a death certificate unless there is a non-natural cause of death. In the case of a non-natural death, a physician is required to sign the death certificate. The Bill requires the ARNP to be licensed in Iowa, to have been in charge of the deceased patient's care, and to have completed a special training course approved by the Department of Public Health (DPH) regarding the completion of a death certificate.

Background

- Current law permits only a physician to sign death certificates.
- There is not a training course available in the State to train ARNPs on the completion of death certificates.
- There are currently 1,993 licensed ARNPs in Iowa.

Assumptions

- The DPH will develop, implement, and track the trainings for the ARNPs on the completion of death certificates.
- Additional staff (1.5 FTE positions) will be required to develop and administer the training course. Staff will be hired approximately two months into the fiscal year.
- Existing data entry staff will be used to develop and maintain an electronic data system to track the trainings provided to ARNPs and those professionals that are able to legally complete death certificates.

Fiscal Impact

The fiscal impact of **House File 393** is an estimated increased cost to the General Fund of \$96,000 for FY 2012 and \$113,000 for FY 2013.

Sources

Department of Public Health
Iowa Board of Nursing

/s/ Holly M. Lyons

March 7, 2011

The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the correctional and minority impact statements were prepared pursuant to Code **Section 2.56**. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
